

404

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
December 1, 1999

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:01 p.m., Wednesday, December 1, 1999, in the Board Room, York County Finance Building, by Chairman Sheila S. Noll.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Albert R. Meadows, James W. Funk, and Jere M. Mills.

Also in attendance were Daniel M. Stuck, County Administrator; and James E. Barnett, County Attorney.

Invocation. Mr. Joseph Mowery, Public Information Office, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Noll led the Pledge of Allegiance.

EMPLOYEE RECOGNITION AND PRESENTATIONS BY CITIZEN BOARDS AND COMMISSIONS

COMMENDATION OF R. SIDNEY BARRETT, JR. (Not on Agenda)

Chairman Noll and Mr. Funk presented Mr. Barrett with a framed and sealed copy of Resolution R99-174 commending him for 20 years of service on the Industrial Development Authority (IDA) of York County.

Mr. Barrett stated the last 20 years on the IDA had been a wonderful time in his life. He expressed appreciation to the Board for its support and confidence, stating the IDA and Board of Supervisors had worked well together and understood the investment potential of economic development. He then appealed to the citizens of York County to volunteer for the County in some way.

YORK COUNTY YOUTH COMMISSION

Miss Jennell Whitfield, Chairman of the York County Youth Commission, provided the Board with the second quarterly report of the Commission. She stated the Commission continues to be productive and successful in that it was involved with the Yorktown Day celebration on October 19 by passing out programs and flags. The web page is rapidly reaching completion and will be ready to review soon. She noted the Commission is now planning a County-wide dance on January 15 at Grafton High School. At this time Miss Whitfield asked Mr. Meadows to come forward, and she presented him with a plaque from the members of the Commission in appreciation for his support during his tenure on the Board of Supervisors.

Mr. Meadows thanked the Youth Commissioners for the plaque and the reception they held for him prior to the meeting. He stated it had been a great four years that gave him a chance to do something for the youth of the County.

Chairman Noll asked if the Youth Commission would be helping with the Holiday Tree Lighting Ceremony this year.

Miss Whitfield indicated it would.

THOMAS NELSON COMMUNITY COLLEGE BOARD

Mr. William C. Monroe, York County representative on the Thomas Nelson Community College (TNCC) Board, made a presentation informing the Board members about enrollment growth occurring at the College over the last three years which showed a decline in York County participation. He discussed the budget challenges met by TNCC and its improvement projects. Mr. Monroe talked about initiatives of the College with programs such as the Colonial Williamsburg Employees Training Program, the Economic and Community Development Center, and additions such as the Instructional Support Services Building, the Navy Medical Laboratory Technician contract, and the Peninsula Workforce Development Center. Mr. Monroe concluded by stating TNCC continues to grow and serve the citizens of the Peninsula and is a true community resource for the citizens of York County.

Mr. Zaremba noted that about a year ago Dr. Pippins, President of TNCC, gave a presentation on the Workforce Development Center, and he asked Mr. Monroe for the status of the program with respect to actually producing trained workforce products.

Mr. Dick Calvert, TNCC, indicated the program is currently being run from the interim center and has been in operation for a number of months. The Center has moved a number of students through the program, and is looking for additional space until the new center is under construction.

TOURISM FUNDING

Mr. Sanford Wanner, County Administrator for James City County, made a presentation briefing the Board members on the status of the Relax and Ride shuttle bus service program within the jurisdictions of James City County, York County, and Williamsburg. He stated that when the request was made to York County for its share of the fourth year operating costs, the Board deferred action until receiving information concerning the ridership. Mr. Wanner stated that information had been provided which showed a slight dip in the use of the program this year. He also noted the Board would be receiving additional credit (\$4,700) for the use of the County's buses. Subject to the continuance of the program, Mr. Wanner stated the program had been approved for complete replacement of the shuttle buses through federal and state grants. He asked the Board to consider a financial contribution to continue this unique regional partnership which benefits the tourism industry.

Chairman Noll asked what was the percentage of private business monies coming in to support the program.

Mr. Wanner stated no other direct private contributions other than advertising are received, but they continue to seek out more advertising from businesses and tourist attractions. It was hoped that the private sector would have stepped up in the fourth year to support the program financially, but this has not happened. The businesses prefer to put their money into marketing and collaboration with the tourism bureau. Mr. Wanner stated that James City County is committed to the shuttle service because it believes it has a positive impact on the tourism industry of the entire region.

Chairman Noll asked if there had been any thought to increasing the shuttle fees.

Mr. Wanner indicated there had been, but there are differences as to what the fare should be. One participating locality would like to see the fare eliminated.

Mr. Mills asked for the funding breakdown between the three jurisdictions.

Mr. Wanner stated Williamsburg pays 45 percent; James City County pays 33 percent; and York County pays 22 percent.

Mr. Mills asked how many riders use the program.

Mr. Wanner stated about 106,000 this past year. The dip in usage is a parallel to the decrease in the area's tourism industry.

December 1, 1999

Mr. Zarembo indicated a comment heard often is that many people see the buses with no people riding them.

Mr. Wanner stated ridership depends on the time of day, and some days are very busy while others are not.

Discussion followed on routing in York County.

Mr. Wanner noted the shuttle service will be invaluable when the 2007 celebration takes place in Jamestown.

Mr. Zarembo asked what the economic impact would be if the service was discontinued.

Mr. Wanner stated he could not comment other than stating he felt it would be a negative impact.

Mr. Don Messmer, representing the Williamsburg Area Chamber of Commerce, gave a presentation on the capital campaign for the Chamber to raise funds for the construction of a new building to house the Chamber and the Convention and Visitors Bureau. He spoke of the funding received from Williamsburg and James City County and the pledges received from the Chamber's membership and employees. He indicated they had also received a \$100,000 donation from the Anheuser Busch Corporation. Mr. Messmer indicated that \$3 out of every \$4 received would come from the private sector. He noted the Chamber was seeking a one-time investment from York County that was proportionate to that requested from the other jurisdictions.

Mr. Bob Hershberger, Executive Director of the Williamsburg Area Chamber of Commerce, elaborated on the services provided York County and the Historic Triangle area by the Chamber, citing workforce development involvement with the area colleges, providing temporary office space to small businesses, a team approach to helping a client relocate businesses in the area, and legislative involvement with the General Assembly on issues affecting the Historic Triangle as examples.

Mr. Jim Noel, Executive Director of the Industrial Development Authority of York County, spoke on behalf of the Chamber's request as a member of the Chamber's Board of Directors. He stated he considered the request an investment in York County's tourism industry which is necessary for the economic health of the community. He stated the space is needed to compete with the tourism industry to maintain and increase the tourism dollars York County now receives.

Discussion followed concerning the Convention and Visitors Bureau and the Williamsburg Area Chamber of Commerce being one organization.

COLONIAL CRIMINAL JUSTICE BOARD

Ms. Katie Green, Program Director, made a presentation on activities of the Colonial Criminal Justice Board. She indicated the program provides alternatives to incarceration and it serves six localities. Ms. Green highlighted and explained the three components of the program, Community Corrections, Pretrial Services, and Criminal Justice Planning. She discussed York County's placements in the program and services officered, listing the community services sites utilized in York County. Ms. Green then discussed the federal grant for the position of a Criminal Justice Planner and the achievements occurring from the efforts of the Planner. She ended her presentation by presenting the Board of Supervisors with a copy of the Colonial Community Criminal Justice Board annual report.

A brief discussion ensued concerning the responsibilities of the Criminal Justice Planner.

PUBLIC HEARINGS

ISSUANCE OF REVENUE BONDS

Mr. James O. McReynolds, Director of Financial and Management Services, made a presentation on proposed Resolution R99-223 to consider authorizing the issuance and sale of revenue bonds

December 1, 1999

to finance certain expansions and improvements to the County's sewer system. The bonds are to be repaid from bi-monthly sewer fees, and debt service can be accommodated within the current fee structure.

Chairman Noll then called to order a public hearing on proposed Resolution R99-223 which was duly advertised as required by law and is entitled:

A RESOLUTION TO AUTHORIZE THE ISSUANCE AND SALE OF
SEWER SYSTEM REVENUE BONDS

There being no one present who wished to speak concerning the subject resolution, Chairman Noll closed the public hearing.

Mr. Zaremba asked if the bond issue will service the entire sewer extension program with respect to commercial and residential development.

Mr. McReynolds stated it meets both plans included in the Capital Improvements Program. The Route 199 corridor project has been recognized as key to the County's economic development efforts, and staff feels going forward at this time will put the County in a position to capitalize on the development potential of the area.

Discussion followed concerning the potential impact of Y2K and sale of the bonds as well as the interest rate to be expected.

Mr. Meadows then moved the adoption of proposed Resolution R99-223 which reads:

A RESOLUTION TO AUTHORIZE THE ISSUANCE AND SALE OF
SEWER SYSTEM REVENUE BONDS

WHEREAS, the Board of Supervisors (the "Board") of the County of York, Virginia (the "County"), has determined that it is necessary to finance certain expansions and improvements to the County's sewer system (the "Project"), and that it is necessary and expedient to borrow up to \$9,400,000 and to issue the revenue bonds of the County to provide funds to pay the costs of the Project; and

WHEREAS, the Board has also determined to secure such bonds by a pledge of the County's sewer system revenues; and

WHEREAS, on December 1, 1999, the Board held a public hearing on the issuance of such bonds in accordance with the requirements of Section 15.2-2606 of the Code of Virginia of 1950, as amended (the "Virginia Code");

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 1st day of December, 1999, as follows:

Authorization of Bonds and Use of Proceeds. The Board hereby determines that it is advisable to contract a debt and to issue and sell revenue bonds (the "Bonds") of the County in the maximum principal amount of \$9,400,000. The issuance and sale of the Bonds is hereby authorized upon the terms set forth herein and upon such other terms as may be determined in the manner set forth herein. The proceeds from the issuance and sale of the Bonds shall be used, together with other available funds, to pay the costs of the Project.

Financing Documents. The Bonds shall be issued pursuant to a Master Indenture of Trust (the "Master Indenture") between the County and a trustee (the "Trustee") to be selected by the Director of Financial and Management Services and a First Supplemental Indenture of Trust between the County and the Trustee. The Chairman of the Board and the County Administrator, or either of them, are authorized and directed to execute and deliver the Master Indenture and the First Supplemental Indenture of Trust.

Pledge of Revenues. The Bonds shall be limited obligations of the County and principal of, premium, if any, and interest on the Bonds shall be payable solely from the revenues derived by the County from its sewer system, as set forth in the Bonds, the Master Indenture and a First Supplemental Indenture of Trust pursuant to which the Bonds will be issued, and from other

December 1, 1999

funds that have been or may be pledged for such purpose under the terms and conditions of the Master Indenture and the First Supplemental Indenture. Nothing in this Resolution, the Bonds, the Master Indenture or the First Supplemental Indenture shall be deemed to pledge the full faith and credit of the County to the payment of the Bonds.

Details of and Sale of Bonds. The Bonds shall be issued upon the terms established pursuant to this Resolution, the Master Indenture, and the First Supplemental Indenture. The Bonds shall be issued in fully registered form, shall be dated such date as the Director of Financial and Management Services may approve, shall bear interest payable semi-annually at the rates established as set forth below, shall be in the denominations of \$5,000 each or whole multiples thereof and shall be numbered from R-1 upwards consecutively.

The Board of Supervisors authorizes the sale of the Bonds to First Union Capital Markets Corporation, as underwriter ("Underwriter") and such other co-managing underwriters as the Director of Financial and Management Services may approve. The Chairman of the Board and the County Administrator, or either of them, are authorized and directed to execute and deliver a Bond Purchase Agreement with the Underwriter (the "Bond Purchase Agreement"), providing for the sale and delivery of the Bonds. The Chairman of the Board and the County Administrator, or either of them, are authorized and directed to determine and approve the final details of the Bonds, including, without limitation, the aggregate principal amount of the Bonds, the optional and mandatory redemption provisions and sale price of the Bonds to the Underwriter, provided that (i) the true interest cost of the Bonds, excluding any bond insurance premium, shall not exceed 9%; (ii) the final maturity of the Bonds shall not be later than approximately 30 years from their date; (iii) the sale price of the Bonds to the Underwriter excluding any original issue discount, shall not be less than 97% of par, and (iv) the aggregate principal amount of the Bonds shall not exceed \$9,400,000. The approval of such officers shall be evidenced conclusively by the execution and delivery of the Bond Purchase Agreement.

Disclosure Documents. The County Administrator, the Director of Financial and Management Services and such officers and agents of the County as either of them may designate, are hereby authorized and directed to prepare, execute and deliver, as appropriate, a preliminary official statement, official statement, and such other disclosure documents as may be necessary to expedite the sale of the Bonds. Such disclosure documents shall be published in such publications and distributed in such manner and at such times as the County Administrator, the Director of Financial and Management Services or such officers or agents of the County as either of them may designate, shall determine. The County Administrator and the Director of Financial and Management Services or either of them, are authorized and directed to deem the Preliminary Official Statement "final" for purposes of Securities and Exchange Commission Rule 15(c)2-12 and to execute and deliver the final Official Statement in substantially the form of the Preliminary Official Statement, with such changes, insertions or omissions as the executing officer may approve.

Non-Arbitrage Certificate and Tax Covenants. The County Administrator and the Director of Financial and Management Services, or either of them, are authorized and directed to execute a Non-Arbitrage Certificate and Tax Covenants setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to comply with the provisions of the Internal Revenue Code of 1986, as amended ("Code"), including the provisions of Section 148 of the Code and applicable regulations relating to "arbitrage bonds." The Board covenants on behalf of the County that the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in the County's Non-Arbitrage Certificate and Tax Covenants, to be delivered simultaneously with the issuance and delivery of the Bonds and that the County shall comply with the other covenants and representations contained

authorized and directed to take such further action, including the execution and delivery of such documents and certificates as they deem necessary regarding the issuance and sale of the Bonds and all actions taken by such officers and agents in connection with the issuance and sale of the Bonds are hereby ratified and confirmed.

Designation for Purchase by Financial Institutions. The Board of Supervisors designates the Bonds as "qualified tax-exempt obligations" eligible for the exception from the disallowance of

December 1, 1999

the deduction of interest by financial institutions allocable to the cost of carrying tax-exempt obligations in accordance with the provisions of Section 265(b)(3) of the Code. The Board of Supervisors does not reasonably anticipate that it and any "subordinate entities" will issue more than \$10,000,000 in tax-exempt obligations during calendar year 1999 (not including certain private activity bonds) and the Board of Supervisors will not designate more than \$10,000,000 of qualified tax-exempt obligations pursuant to such Section 265(b)(3) in calendar year 1999.

Filing of Resolution. The appropriate officers or agents of the County are authorized and directed to file a certified copy of this Resolution with the Circuit Court of York County, Virginia pursuant to Section 15.2-2607 of the Virginia Code.

Effective Date. This Resolution shall take effect immediately.

On roll call the vote was:

Yea: (5) Zaremba, Meadows, Funk, Mills, Noll
Nay: (0)

APPLICATION NO. ZT-42-99, YORK COUNTY BOARD OF SUPERVISORS

Mr. Robert E. Baldwin, Chief Planner, made a presentation on Application No. ZT-42-99 to consider amending Section 24.1-327 of the York County Code to require that new or enlarged single-family detached dwellings in the Yorktown Village Activity (YVA) District be approved in the same manner as all other new or enlarged uses in the YVA District. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Ordinance O99-16.

Chairman Noll then called to order a public hearing on Application No. ZT-42-99 that was duly advertised as required by law. Proposed Ordinance O99-16 is entitled:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-42-99 TO AMEND THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE) REVISING SECTION 24.1-327 TO REQUIRE THAT NEW OR ENLARGED SINGLE FAMILY DETACHED DWELLINGS IN THE YORKTOWN VILLAGE ACTIVITY (YVA) DISTRICT BE APPROVED IN THE SAME MANNER AS ALL OTHER NEW OR ENLARGED USES IN THE YVA DISTRICT

Mr. Gary Freeman, 120 Ballard Street, spoke in support of the ordinance. He stated Yorktown is a National Historic Site, and development must be sensitive to the area. Mr. Freeman stated design controls are needed as well as an Architectural Review Board.

There being no one else present who wished to speak concerning the subject application, Chairman Noll closed the public hearing.

Mr. Mills asked if there was any fee associated with this action.

Mr. Baldwin stated no fee was involved. Mr. Baldwin then pointed out a minor correction on the last page of the ordinance in the table under Building Height. He stated the word "to" should be changed to the word "by" so that the sentence reads "Thirty-five feet (35') . . . is deemed necessary by the Board to ensure compatibility with the character of the surrounding area."

Mr. Zaremba noted this was an interim measure. He asked Mr. Baldwin what was expected with respect to the permanent historic district and review process.

Mr. Baldwin stated the process would involve the establishment of an Architectural Review Board comprised of residents from the community as well as individuals with expertise. Approvals would go through the Board to ensure compatibility.

Mr. Zaremba asked how long a time line could be expected for a permanent process.

December 1, 1999

Mr. Baldwin noted that staff has already reviewed materials to bring to the Board of Supervisors in a few months.

Mr. Zaremba then moved the adoption of proposed Ordinance O99-16 that reads:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-42-99 TO AMEND THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE) REVISING SECTION 24.1-327 TO REQUIRE THAT NEW OR ENLARGED SINGLE FAMILY DETACHED DWELLINGS IN THE YORKTOWN VILLAGE ACTIVITY (YVA) DISTRICT BE APPROVED IN THE SAME MANNER AS ALL OTHER NEW OR ENLARGED USES IN THE YVA DISTRICT

WHEREAS, Section 24.1-327, YVA -Yorktown village activity district, of the York County Zoning Ordinance does not subject proposals for new or enlarged single family detached dwellings in the Yorktown Village Activity District (YVA) to the same approval standards to which it subjects all other uses in the district; and

WHEREAS, the York County Board of Supervisors has sponsored Application No. ZT-42-99 to amend Section 24.1-327, YVA - Yorktown village activity, of the York County Zoning Ordinance; and

WHEREAS, said application has been referred to the York County Planning Commission; and

WHEREAS, the Commission has recommended approval of this application; and

WHEREAS, the Board has conducted a duly advertised public hearing for this application in accordance with applicable procedure; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 1st day of December, 1999, that Application No. ZT-42-99 be, and it is hereby, approved to amend the York County Zoning Ordinance as follows:

Sec. 24.1-327. YVA-Yorktown village activity district.

(b) *Special procedural requirements.*

- (1) The use of any land or building within the YVA district on the date of the inclusion of such property in the district may either continue to be used for its then existing purpose or may thereafter be changed, but only in accordance with all applicable regulations, to accommodate any of the land uses listed in section 24.1-327(c), any provisions of article VIII, Nonconforming Uses, of this chapter to the contrary notwithstanding.
- (2) Any proposed new use shall be approved only by the board of supervisors in accordance with the procedures for special use permits in section 24.1-115 of this chapter. Permitted land uses shall be those listed in section 24.1-327(c).
- (3) Proposed enlargements or extensions of any single-family detached dwelling may be authorized, without public hearing, by resolution of the board. Proposed enlargement or extensions of any other use in this district which would result in an increase of less than twenty-five percent (25%) in either total lot coverage or floor area may be authorized, without public hearing, by resolution of the board. Proposed enlargement or expansion of any use other than a single-family detached dwelling that would result in an increase of twenty-five percent (25%) or more in either total lot coverage or floor area shall be subject to approval in accordance with the procedures for special use permits.

- (4) Proposed changes in use of land, buildings or structures within the district may be approved by the zoning administrator upon a determination that the proposed new use is similar in type, size, scope and intensity to the previous use and that it is one of permitted uses listed in subsection (c) below. Where, in the opinion of the zoning administrator, such similarities do not exist, the proposal shall be subject to review and approval in accordance with the procedures for special use permits specified in section 24.1-115 of this chapter.
- (5) The construction of new single-family detached dwellings, or the enlargement of existing single-family detached dwellings, may be approved by the board of supervisors provided that the proposed location is not within one of the areas specifically designated for commercial development by the adopted Yorktown master plan and that the following setback and dimensional requirements, or such other standards as the board deems necessary and appropriate, are observed:

Front Yard	Twenty-five feet (25') [7.5m]
Side Yard	Ten feet (10') [3m], five feet (5') [1.5m] for accessory buildings
Rear Yard	Twenty feet (20') [6m], five feet (5') [1.5m] for accessory buildings
Building Height	Thirty-five feet (35') [10.5m], unless a lower height is deemed necessary by the board to ensure compatibility with the character of the surrounding area.

On roll call the vote was:

Yea: (5) Meadows, Funk, Mills, Zaremba, Noll
 Nay: (0)

APPLICATION NO. ZT-43-99, YORK COUNTY PLANNING COMMISSION

Mr. Baldwin made a presentation on Application No. ZT-43-99 to consider amending Sections 24.1-104 and 24.1-306 of the York County Code to revise the Table of Land Uses for the Economic Opportunity zoning district. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Ordinance O99-17.

Chairman Noll called to order a public hearing on Application No. ZT-43-99 that was duly advertised as required by law. Proposed Ordinance O99-17 is entitled:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-43-99, YORK COUNTY PLANNING COMMISSION, TO REVISE SECTION 24.1-104, "DEFINITIONS," AND SECTION 24.1-306, "TABLE OF LAND USES," CHAPTER 24.1, ZONING, YORK COUNTY CODE

There being no one present who wished to speak concerning the subject application, Chairman Noll closed the public hearing.

Chairman Noll asked if the Industrial Development Authority (IDA) had been involved in this amendment.

Mr. Noel stated the IDA members had been provided the information, but they had not had any detailed discussions on the matter. He stated he thought the overall feeling of the IDA is that these changes will make an initial development more difficult, but in the long run there will be more quality development and sustainability in this area. Mr. Noel stated he shared the infor-

December 1, 1999

mation with the property owners in the economic area, and they had some concerns; but in the end, they understood what the County was trying to achieve, and there were no strenuous objections.

Discussion followed concerning the allowance of auction houses by use permit in the economic zone.

Mr. Zarembo asked Mr. Baldwin to describe where the economic opportunity zoning districts are located in York County.

Mr. Baldwin indicated the economic zoning is applied to six areas of the County: the Route 199 corridor in Lightfoot; the Mershon and Royalls tracts along Mooretown Road; the Colonial Williamsburg-owned property along Route 132; the Busch property along the lower portion of Route 199; the remaining property along lower Route 199 including the state fuel farm; and a small area along the west side of Route 17 south of Production Drive.

Mr. Zarembo stated he felt the ordinance was a very well done product. Had it been in place a couple of years ago, the County would not have any mini-storage facilities along Route 199.

Mr. Mills asked what if the ordinance failed to cover some important aspect.

Mr. Baldwin indicated the Board could always make future text amendments.

Mr. Funk moved the adoption of proposed Ordinance O99-17 that reads:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-43-99, YORK COUNTY PLANNING COMMISSION, TO REVISE SECTION 24.1-104, "DEFINITIONS," AND SECTION 24.1-306, "TABLE OF LAND USES," CHAPTER 24.1, ZONING, YORK COUNTY CODE

WHEREAS, Section 24.1-104 establishes the definitions for the York County Zoning Ordinance; and

WHEREAS, Section 24.1-306 of the Zoning Ordinance establishes a table of land uses for the zoning districts in the County; and

WHEREAS, it was brought to the attention of the Planning Commission that some of the permitted uses in the Economic Opportunity zoning district may be incompatible with the desired development pattern; and

WHEREAS, areas along the Route 199 corridor in the upper County are rapidly developing; and

WHEREAS, the Planning Commission has sponsored Application No. ZT-43-99 to recommend revisions to the two aforementioned sections of the Zoning Ordinance; and

WHEREAS, subsequent to conducting a public hearing, the Commission has recommended approval of this application; and

WHEREAS, the Board has conducted a duly advertised public hearing for this application in accordance with applicable procedure; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 1st day of December, 1999, that Application No. ZT-43-99 be, and it is hereby, approved to amend the York County Zoning Ordinance as follows:

Sec. 24.1-104. Definitions.

Hardware Store. A facility of 30,000 or fewer square feet gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies and cutlery; if greater than 30,000 square feet, such a facility is a "Home Improvement Center."

Home Improvement Center. A facility of more than 30,000 square feet gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies, and cutlery.

Sec. 24.1-306. Table of land uses.

USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 8 - TEMPORARY USES												
1. Carnival, Circus, Fair, Festival or Similar Special Event	A	A	A	A	A	A	A	A	A	A	A	A	A
2. Sale of Seasonal Items such as Christmas Trees, Produce	A	A	A	A	A	A	A	A	A	A	A	A	A
3. Recycling Collection Point	A	A	A	A	A	A	A	A	A	A	A	A	A
4. Craft Shows & Sales	A	A	A	A	A	A	A	A	A	A	A	A	A
5. Flea Markets									S			S	S
6. Temporary Construction Office Trailers & Buildings	A	A	A	A	A	A	A	A	A	A	A	A	A
7. Temporary Construction Workers' Parking	S	S	S	S	S	S	P	P	P	P	P	P	P
8. Temporary Home While Constructing Permanent Dwelling Facilities	A	A	A	A		A			A				
9. Temporary Trailers for Business or School Use	A	A	A	A	A	A	A	A	A	A	A	A	A
10. Model Home Display Parks									S			S	

USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 9 - RECREATION AND AMUSEMENT (NON-GOVERNMENTAL)												
1. Theater - Indoor									P		P		
2. Health, Exercise, Fitness Centers Including Swimming and Racquet Sports													
a) Indoor Only							S	P	P		P	P	P
b) Indoor & Outdoor								S	P		P	P	P
3. Bowling Alley									P		P		
4. Video Arcade, Pool Hall, Billiards Hall									S		S		
5. Indoor Family Amusement Center								S	P		P		
6. Skating Rink									P		P		
7. Firing Range-Indoor Only									S			S	S

December 1, 1999

8. Miniature Golf, Waterslide, Skateboard Rink, Baseball Hitting Range, Outdoor Commercial Amusement								S		S		
9. Golf Driving Range	S							P		S	S	S
10. Country Club or Golf Course, Public or Private	S	S	S	S	S	S		S		S		
11. Campgrounds	S	S						S	S			
12. Theme Park, Amphitheater, Stadium								S		S	S	S
13. Marina, Dock, Boating Facility (Commercial)								P		P	P	
14. Marina, Dock, Boating Facility (Private/Club)	S	S	S	S	S	S			P		P	P

USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 10 - COMMERCIAL / RETAIL												
1. Antiques/Reproductions, Art Gallery							P	P	P	P	P		
2. Wearing Apparel Store							P	P	P		P		
3. Appliance Sales									P		P		
4. Auction House								P	P		S		
5. Convenience Store							S	S	P		S	P	
6. Grocery Store							P		P		P		
7. Book, Magazine, Card Shop							P	P	P		P		
8. Camera Shop, One-Hour Photo Service							P	P	P		P	P	P
9. Florist							P	P	P		P	P	P
10. Gifts, Souvenirs Shop								P	P		P		
11. Hardware, Paint Store								P	P		P	P	P
12. Hobby, Craft Shop								P	P		P		
13. Household Furnishings, Furniture									P		P		
14. Jewelry Store								P	P		P		
15. Lumberyard, Building Materials									S			P	P
16. Music, Records, Video Tapes								P	P		P		
17. Drug Store							S	S	P		P		
18. Radio and TV Sales								S	P		P		
19. Sporting Goods Store								P	P		P		
20. Firearms Sales and Service								S	S		S		
21. Tobacco Store								P	P		P		
22. Toy Store								S	P		P		
23. Gourmet Items/Health Foods/Candy/ Specialty Foods/Bakery Shops							P	P	P		P		
24. ABC Store								P	P		P		
25. Bait, Tackle/Marine Supplies Including Incidental Grocery Sales									P	P	P	S	S
26. Office Equipment & Supplies								P	P		P	P	P
27. Pet Store							S	P	P		P		
28. Bike Store, Including Rental/Repair							P	P	P		P	P	P
29. Piece Goods, Sewing Supplies							P	P	P		P		
30. Optical Goods, Health Aids or Appliances								P	P		P	P	P
31. Fish, Seafood Store									P	P	P		
32. Department, Variety, Discount Store									P		P		
33. Auto Parts, Accessories (new parts)								P	P		P		

[illegible]

P = PERMITTED USE S = PERMITTED BY SPECIAL USE PERMIT		RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS							
		RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG	
USES		CATEGORY 11 - BUSINESS / PROFESSIONAL SERVICE													
1. Broadcasting Studio									P	P			P	P	P
2. Barber/Beauty Shop									P	P	P		P	P	P
3. Apparel Services (Dry Cleaning/Laundry retail) Laundromat, Tailor, Shoe Repair, Etc.)									P	P	P		P	P	P
4. Funeral Home										S	P		P		
5. a) Photographic Studio									S	P	P		P	P	P
b) Film Processing Lab										S	P		P	P	P
6. Household Items Repair											P		P	P	P
7. Personal Services (Fortune Teller, Tattoo, Pawn Shop, Etc.)											S				
8. a) Banks, Financial Institutions									P	P	P		P		
b) Freestanding Automatic Teller Machines									P	P	P	S	P		
9. Offices							S		P	P	P		P	P	P
10. Hotel & Motel										S	P	S	P		
11. Timeshare Resort							S				S	S	S		
12. Restaurant/Sit Down										P	P		P		
13. Restaurant/Brew-Pub											P		P		
14. Restaurant/Fast Food										S	P		S		
15. Restaurant/Drive In										S	P		S		
16. Restaurant - Carry-out/Delivery only									S	P	P		S		
17. Small-Engine Repair (lawn and garden equipment, outboard motors, etc.)											P	P		P	P
18. Tool, Household Equipment, Lawn & Garden Equipment, Rental Establishment											P		P	P	P
19. Establishments Providing Printing, Photocopying, Blueprinting, Mailing, Facsimile Reception & Transmission or similar business services to the general public, and business and professional users										P	P		P	P	P
20. Professional Pharmacy									P	P	P		P		

<div>P = PERMITTED USE S = PERMITTED BY SPECIAL USE PERMIT</div> <div>USES</div>	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	HMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 12 - MOTOR VEHICLE / TRANSPORTATION												
1. Car Wash								S	P		S		
2. Automobile Fuel Dispensing Establishment/ Service Station (May include accessory convenience store and/or car wash)									P		S	P	

December 1, 1999

3. Auto Repair Garage									S			P	P
4. Auto Body Work & Painting												P	P
5. Auto or Light Truck Sales, Rental, Service (Including Motorcycles or R.V.'s)													
a) Without Auto Body Work & Painting									P		S	P	P
b) With Body Work & Painting									S		S	S	P
6. Heavy Truck and Equipment Sales, Rental, Service									S			P	P
7. Farm Equipment Sales, Rental, Service									S			P	P
8. Manufactured Home Sales, Rental, Service									S			S	S
9. Boat Sales, Service, Rental, and Fuel Dispensing									P	P		S	
10. Marine Railway, Boat Building and Repair										P		P	P
11. Truck Stop												S	S
12. Truck Terminal												P	P
13. Heliport									S		S	S	S
14. Helipad									S		S	P	P
15. Airport											S	S	S
16. Bus or Rail Terminal									P		S	P	P
17. Automobile Graveyard, Junkyard													S
18. Bus Service/Repair Facility												P	P

USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 13 - SHOPPING CENTERS / BUSINESS PARKS												
1. Neighborhood Shopping Center							P	P	P		P		
2. Community or Regional Shopping Center									P		P		
3. Specialty Shopping Center								S	P		P		
4. Office Park								P	P		P	P	P
5. Industrial Park											P	P	P

USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 14 - WHOLESALING / WAREHOUSING												
1. Wholesale Auction Establishment									P			P	P
a) without outdoor storage/activity									S			P	P
b) with outdoor storage									S		S	P	P
2. Warehousing, Including Moving and Storage Establishment									S		S	P	P
3. Wholesale Trade Establishment (May include accessory retail sales)									P		P	P	P
a) without outdoor storage									S		S	P	P
b) with outdoor storage									S		S	P	P
4. Seafood Receiving, Packing, Storage										P		S	P
5. Petroleum Products Bulk Storage/Retail Distribution												S	P
6. Mini-Storage Warehouses									S			S	P

December 1, 1999

USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 15 - LIMITED INDUSTRIAL ACTIVITIES												
1. Laboratories, Research/Development Testing Facilities									S		P	P	P
2. Publishing, Printing, Other than general public and business/professional services									P		P	P	P
3. Computer and Technology Development and Assembly									P		P	P	P
4. Contractors' Shops (e.g., Plumbing, Electrical, Mechanical, HVAC, Home Improvement or Construction, Swimming Pool, Landscaping, Cabinetmaking, General Building, Excavating, etc.)													
a) With Enclosed Storage of Equipment or Materials									P			P	P
b) With Outdoor/Exposed Storage									S			P	P
5. Laundry, Dry Cleaning Plant (institutional)												P	P
6. Stone Monument Sales, Processing												S	P
7. Manufacture or Assembly of Electronic Instruments, Components, Devices									S	S	P	P	P
8. Machine Shops & Fabricators									S	S		P	P
9. Manufacture or Assembly of Medical, Drafting, Metering, Marine, Photographic, Mechanical Instruments											P	P	P
10. Ice Manufacturing and Storage												P	P
11. Sales, Distribution, and Installation of Glass, including Windows, Mirrors, and/or Automobile Glass								S	P			P	P
12. Recycling Center								S	S			P	P

On roll call the vote was:

Yea: (5) Funk, Mills, Zaremba, Meadows, Noll

Nay: (0)

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett announced the hiring of a new Assistant County Attorney, Mrs. Carla Hook, a Gloucester County native. He also noted he had filed a brief with the Supreme Court concerning logging, and he is now involved in the proposals for the community/recreation center for the next regular agenda.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. Stuck, on behalf of the staff, thanked the Board of Supervisors for the two additional holidays that were granted during the Christmas/New Year season. He then reminded the Board of two budget initiatives (opening New Quarter Park and a jet-ski patrol) that it had asked staff to price. He indicated the information on those initiatives were forwarded to the Board members on November 16, and he asked the Board to let him know whether or not it wanted these items to be included in the Board's FY2001 budget. Mr. Stuck then stated a work session date would be set for mid-January to hold an initial introduction session on the budget with the new Board members. Staff will also cover some preliminary budget information at the new Board members' orientation session scheduled for December 9.

December 1, 1999

CITIZENS COMMENT PERIOD

Mr. Gary Freeman, 120 Ballard Street, noted there would be three major events taking place in Yorktown during the upcoming weekend. The Christmas Tree Lighting Ceremony will take place on Friday evening; the Third Annual Lighted Boat Parade will take place on the waterfront immediately following the Tree Lighting Ceremony; and on Saturday the annual Christmas House Tour will take place. Mr. Freeman stated tickets can be purchased at any of the Yorktown shops, and he encouraged everyone to turn out and enjoy the festivities.

Mrs. Peggy Turnage, 211 Terrebone Place, also encouraged people to come to Yorktown this weekend and utilize the trolley service that will run on Friday and Saturday.

MATTERS PRESENTED BY THE BOARD

Chairman Noll stated that the Peninsula Alliance for Economic Development, with funding granted by the Hampton Roads Partnership in conjunction with the Hampton Roads Chamber of Commerce, has developed an intelligent labor market information web site. She noted there is all sorts of good information on the site, and employers and students can find out what the labor market in the area is providing by using it. More information will be in the local newspapers tomorrow about the web site. Mrs. Noll also mentioned the workforce in York County, stating the County is fortunate to have such wonderful employees. She stated the Board has asked for more accountability with respect to customer service, and she explained how a questionnaire or survey was initiated to give to the people who come to York County for various services. She stated the results of the customer survey thus far indicate that York County's customers are very satisfied with the performance of its employees.

Mr. Zaremba noted that Mr. Danny Carroll, Executive Director of the YMCA, was present in the audience, and reminded the citizens of York County that on December 15 the Board of Supervisors would decide whether or not to approve a proposal by the YMCA to build a recreation/community center in Tabb. He stated there was also another proposal on the table being sponsored by the York County Athletic Club. Both proposals have been on the table for several months, and staff has been analyzing them in order to make a recommendation to the Board. He reminded the citizens that there are only two weeks left to track information on these proposals in the local newspapers and the web site. The Board would like to know how the typical citizen feels concerning the proposals, and he asked them to contact the Board members by telephone, FAX, or e-mail.

Mr. Funk reemphasized the activities taking place in Yorktown beginning Friday evening and mentioned the areas where there will be parking available. He encouraged everyone to attend and enjoy themselves.

Meeting Recessed. At 8:55 p.m. Chairman Noll declared a short recess.

Meeting Reconvened. At 9:04 p.m. the meeting was reconvened in open session by order of the Chair.

CONSENT CALENDAR

Mr. Meadows moved the adoption of the Consent Calendar as submitted, Item Nos. 4, 5, 6, 7, 8, and 9, respectively.

On roll call the vote was:

Yea: (5) Mills, Zaremba, Meadows, Funk, Noll
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 4. APPROVAL OF MINUTES

The minutes of the following meeting of the York County Board of Supervisors were approved:

November 3, 1999, Regular Meeting

Item No. 5. PURCHASE AUTHORIZATION: Resolution R99-218

A RESOLUTION TO APPROVE PURCHASE OF ELECTRONIC MONITORING SERVICES

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that it involves the expenditure of \$30,000 or more, and that the County has complied with all applicable laws, ordinances, and regulations;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 1st day of December, 1999, that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for the following:

	<u>AMOUNT</u>
Electronic Monitoring Services (estimate)	\$30,000

Item No. 6. VIRGINIA RETIREMENT SYSTEM: PURCHASE OF PRIOR SERVICE CREDIT: Resolution R99-203

A RESOLUTION TO AUTHORIZE THE PICK UP OF THE EMPLOYEE'S CONTRIBUTION TO VRS FOR PAST SERVICE CREDIT UNDER SECTION 414(h) OF THE INTERNAL REVENUE CODE.

WHEREAS, the County of York desires to provide its employees with tax deferral pursuant to Section 414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System, the State Police Officers Retirement System and the Judicial Retirement System (collectively referred to as VRS) for the permissible purchase of past service credit by picking up member contributions to the VRS; and

WHEREAS, the pick up is authorized under Virginia Code Sections 51.1-142.I and 51.1-143.C; and

WHEREAS, the VRS keeps track of such picked up member contributions, and is prepared to treat such contributions as employee contributions for all purposes of VRS;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 1st day of December, 1999, that, effective the first pay day on or after the later of December 1, 1999 or the date the member executes a binding and irrevocable salary reduction election relating to the past service permitted to be purchased, the County of York shall pick up all or a portion of the member contributions of its employees to VRS based on the terms of the salary reduction election, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States; and

BE FURTHER RESOLVED that the binding salary reduction election to be executed by the member shall include the following: (1) the beginning and ending date of the election, (2) the amount of the salary reduction on a pay period by pay period basis, (3) the total amount of contribution expected to be involved, (4) a statement the member may not receive the contributed amounts instead of having them paid by the County of York to the VRS, and (5) an agreement that the member will not purchase the service credit through a lump sum payment during the period in which the salary reduction election is in effect; and

BE IT STILL FURTHER RESOLVED that the member may revoke the salary reduction election only in the event of an unforeseeable emergency as that phrase is used and defined in IRC Section 457 and Treasury Regulation Section 1.457-2(h)(4) and if such a revocation is made,

December 1, 1999

the member may not make a new salary reduction election during this period of employment; and

BE IT STILL FURTHER RESOLVED that such contributions, although designated as member contributions, are to be made by the County of York in lieu of member contributions; and

BE IT STILL FURTHER RESOLVED that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and

BE IT STILL FURTHER RESOLVED that member contributions made by the County of York under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and

BE IT STILL FURTHER RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the County of York directly instead of having them paid to VRS; and

BE IT STILL FURTHER RESOLVED that notwithstanding any contractual or other provisions, the wages of each member of VRS who is an employee of the County of York shall be reduced by the amount of member contributions picked up by the County of York on behalf of such employees pursuant to the foregoing resolutions.

Item No. 7. STREET ACCEPTANCE: Resolution R99-222

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF
TRANSPORTATION TO INCLUDE STREETS IN ROBERTS TRACE,
SECTION ONE-A, INTO THE STATE SECONDARY SYSTEM OF
HIGHWAYS

WHEREAS, the following roads, which are shown on a plat recorded in the Clerk's Office of the Circuit Court of York County, have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of Highways; and

WHEREAS, VDOT's Resident Engineer for York County has inspected these roads and found them acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way equal in width to that shown below plus the necessary easements for cuts, fills, and drainage for these roads;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 1st day of December, 1999, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the following roads as part of the Secondary System of Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT:

Subdivision: Roberts Trace, Section One-A

Street: Halles Run
From: Route 782 (Cary's Chapel Road)
To: 0.15 mile west to terminus
Guaranteed Width for Right-of-Way: 50'
Length: 0.15 mile (790 feet)

Street: Kayla Court
From: Halles Run (0.05 mile west of Route 782)
To: 0.04 mile north to terminus
Guaranteed Width for Right-of-Way: 50'
Distance: 0.04 mile (220 feet)

The streets listed above are shown on a plat of record entitled "Roberts Trace, Section One-A" dated December 6, 1996, prepared by Davis & Associates, P.C., and recorded on May 5, 1997, in Plat Book 12, Pages 474-475 in the Clerk's Office of the Circuit Court of York County.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Roberts Trace, Section One-A, and to the Resident Engineer of the Virginia Department of Transportation.

Item No. 8. TIDE MILL ROAD SANITARY SEWER PROJECT: Resolution R99-219

A RESOLUTION TO AUTHORIZE THE PROCUREMENT OF DESIGN SERVICES FOR THE TIDE MILL ROAD SANITARY SEWER PROJECT AND TO APPROPRIATE AN ADDITIONAL \$45,000 FOR THIS PROJECT

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, and that applicable laws, ordinances, and regulations have been complied with; and

WHEREAS, an additional appropriation of \$45,000 from the Water and Sewer Extension Fund is required to fully fund the engineering phase of this project;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 1st day of December, 1999, that the County Administrator be, and hereby is, authorized to conclude the procurement of engineering services for the Tide Mill Road Sanitary Sewer Project, and to execute a contract with McKim & Creed in the amount of \$116,199.

BE IT FURTHER RESOLVED that additional funding of \$45,000 be, and hereby is appropriated from the Water and Sewer Extension Fund for the Tide Mill Road Sanitary Sewer Project.

Item No. 9. DARE HEIGHTS SANITARY SEWER PROJECT: Resolution R99-220

A RESOLUTION TO AUTHORIZE THE PROCUREMENT OF DESIGN SERVICES FOR THE DARE HEIGHTS SANITARY SEWER PROJECT AND TO APPROPRIATE AN ADDITIONAL \$53,000 FOR THIS PROJECT

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, and that applicable laws, ordinances, and regulations have been complied with; and

WHEREAS, an additional appropriation of \$53,000 from the Water and Sewer Extension Fund is required to fully fund the engineering phase of this project;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 1st day of December, 1999, that the County Administrator be, and hereby is, authorized to conclude the procurement of engineering services for the Dare Heights Sanitary Sewer Project, and to execute a contract with URS Greiner Woodward Clyde in the amount of \$149,983.

BE IT FURTHER RESOLVED that additional funding of \$53,000 be, and hereby is appropriated from the Water and Sewer Extension Fund for the Dare Heights Sanitary Sewer Project.

December 1, 1999

NEW BUSINESS

UTILITIES STRATEGIC CAPITAL PLAN

Mr. Stuck made a brief presentation explaining the purpose of proposed Resolution R99-221 was to approve the Strategic Capital Plan for sanitary sewerage, potable water, and stormwater. He noted that the plan is reviewed every two years, and the Board held a work session on November 10. Prioritization has not changed much other than the incorporation of stormwater projects. He stated the plan also includes some of the economic development projects.

Mr. Funk moved the adoption of proposed Resolution R99-221 that reads:

A RESOLUTION TO APPROVE THE STRATEGIC CAPITAL PLAN
FOR SANITARY SEWERAGE, POTABLE WATER AND STORMWA-
TER

WHEREAS, the Board of Supervisors recognizes the need to protect the health of York County citizens through the extension of public water and sewer services to certain areas of the county; and

WHEREAS, it is the desire of the Board of Supervisors that the County's existing water and sewer systems be maintained at acceptable levels of efficiency and reliability; and

WHEREAS, based on need, as determined by applying the rating criteria established by the Board in January 1991 and within the constraints of capital funding, the Utilities Strategic Capital Plan provides a schedule and financial plan for the extension of water and sewer systems and maintenance of existing systems;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 1st day of December, 1999, that the water and sewer maintenance and extension program, as presented to the Board of Supervisors on November 10, 1999, in the Utilities Strategic Capital Plan be, and it is hereby, approved.

BE IT FURTHER RESOLVED that this plan is to be reviewed and updated in two years.

On roll call the vote was:

Yea: (5) Zaremba, Meadows, Funk, Mills, Noll
Nay: (0)

WATER AGREEMENT WITH NEWPORT NEWS

Mr. Stuck explained the purpose of proposed Resolution R99-216 was to authorize him to negotiate and execute a new water agreement with the City of Newport News and for the Board to approve a Water Supply Implementation Plan. He provided the Board members with background information on the current agreement with Newport News as the regional supplier of water to York County, which is contingent on completion of the King William Reservoir. He stated that because of delays with approval for the reservoir project, the utilities staff has discussed the matter; and in order to confirm York County's commitment to the regional provision of a water supply, they would like to suggest to Newport News that the contract be revised, taking out the provision for the King William Reservoir and adding a provision to find a long-term supply source. The resolution authorizes the County Administrator to represent the Board's position to the City and execute a contract substantially in the same form as included in the Board's agenda materials.

Mr. Mills asked why the original contract was dependent on the Corps of Engineers issuing the King William Reservoir permit.

Mr. Stuck stated that originally the concept was that the reservoir would be built and York County would pay a share of the cost. Newport News was willing to provide the service and spread the cost, but they couldn't do it unless the reservoir was on line. He stated there has been a significant change and move toward regionalism in the area, and there is a possibility that the agreement could come back with no contingency in it. A plan is being worked on by the

communities on the Peninsula for an alternative water supply, but those alternatives are not very cost effective, although they can be done.

Mr. Mills asked if the new agreement would tie the County's hands if Newport News is not able to provide the water service.

Mr. Stuck stated it would not. If Newport News says the water service can't be provided, then York County is not locked into the agreement.

Discussion followed concerning the continuation of master meter service to York County once Newport News was providing the water service.

Mr. Meadows moved the adoption of proposed Resolution R99-216 that reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO NEGOTIATE AND EXECUTE A NEW WATER AGREEMENT WITH
THE CITY OF NEWPORT NEWS AND TO APPROVE A WATER SUP-
PLY IMPLEMENTATION PLAN

WHEREAS, the County of York and the City of Newport News executed a Water Agreement on January 3, 1996 which was amended on May 20, 1998; and

WHEREAS, the revised Agreement provided that said Agreement would be null and void if the Section 404 Permit for the proposed King William Reservoir from the Corps of Engineers (COE) was not obtained by January 1, 2005; and

WHEREAS, in light of anticipated continued permitting and legal delays probable with the Reservoir, the Raw Water Study Group has undertaken a study to maximize water supply efficiency on the Peninsula which will be completed in the spring of the year 2000, hereafter called the Raw Water Resources Plan (RWRP); and

WHEREAS, the County of York would like to strengthen and renew its commitment to a regional water supply for all of York County;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 1st day of December, 1999, that the Board formally requests the City Council of Newport News to modify the Agreement of January 3, 1996, as amended on May 20, 1998, to remove the contingency regarding the King William Reservoir, replacing it with a provision that addresses the development of a raw water supply plan acceptable to both parties.

BE IT FURTHER RESOLVED that the County Administrator is directed to formally request the City of Newport News to consider the proposed contract changes and to negotiate and execute a contract in substantially the form submitted to this Board with the report of the County Administrator dated November 19, 1999, and approved as to form by the County Attorney.

BE IT STILL FURTHER RESOLVED that the York County Board of Supervisors approves the attached Implementation Plan subject to further review by the Board if the City of Newport News requests modification.

On roll call the vote was:

Yea: (5) Meadows, Funk, Mills, Zaremba, Noll
Nay: (0)

SHORELINE STABILIZATION PROJECT

Mr. Stuck explained the purpose of proposed Resolution R99-225 was to approve the procurement of services necessary for implementation and continuation of certain elements of the Wharf-area Improvement Project. He stated the project is moving west from the bathrooms at Ballard Street to the Post Office Building. A grant was received in the amount of \$178,000 that will be matched with the same amount of tourism funds. Mr. Stuck stated the work should proceed this winter.

December 1, 1999

Mr. Mills moved the adoption of proposed Resolution R99-225 that reads:

A RESOLUTION TO APPROVE THE PROCUREMENT OF SERVICES NECESSARY FOR IMPLEMENTATION OF CERTAIN ELEMENTS OF THE WHARF-AREA IMPROVEMENT PROJECT, TO APPROPRIATE FUNDS, AND TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS TO ACCOMPLISH SAID WORK

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurements are necessary and desirable, and that applicable laws, ordinances and regulations have been complied with; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 1st day of December, 1999, that the County Administrator be, and he hereby is, authorized to conclude the following procurements in support of the implementation of the Wharf-Area Improvements Concept Plan:

- Shoreline Stabilization: contract with Coastal Design & Construction, Inc., in the amount of \$497,000 (\$356,590 for Phase I of the contract which includes installation of breakwaters and related shoreline stabilization work; and \$140,410 for Phase II which includes demolition of the wharf and shoreline stabilization efforts required subsequent to the demolition of the wharf).

BE IT FURTHER RESOLVED that the \$178,295 grant from the Public Beach Board be, and it is hereby, appropriated in the Capital Fund for the Shoreline Stabilization project.

BE IT STILL FURTHER RESOLVED that \$178,295 be and it is hereby allocated for this project from the already appropriated Tourism-designated lodging tax revenues for Phase I of the shoreline stabilization contract.

BE IT STILL FURTHER RESOLVED that the County Administrator be, and he hereby is, authorized to procure goods, equipment, and services and to do all things necessary associated with the Shoreline Stabilization work, whether through change order or otherwise, without further action by this Board, provided that the total cost of said purchases shall not exceed the funding available for this project.

On roll call the vote was:

Yea: (5) Funk, Mills, Zaremba, Meadows, Noll
Nay: (0)

PROPERTY ACQUISITION TO SUPPORT THE YORKTOWN MASTER PLAN

Mr. Stuck made a presentation concerning the proposal to authorize the acquisition of property on the Yorktown waterfront to be used for a public parking facility. Although the owner of the property was not happy about being approached about purchase of the property, the timing is right because of the approaching 2006 goal for completion of the Yorktown Master Plan Improvements. He stated he prepared a letter to the owner providing a bona fide offer for the property and setting a deadline for his response. Since the owner has not responded, it is assumed the offer was rejected. The proposed resolution would authorize the filing of a suit to acquire the property through eminent domain. Mr. Stuck then explained the legal procedures for acquiring the property.

Discussion followed on the use of the property in question for a parking facility, its compatibility with the waterfront, and the impact of such a facility on the Chischiak residents.

Mr. Zaremba indicated it may well be that the Board decides that the parking facility doesn't belong on that property. He stated he recognizes there is a parking problem in Yorktown, but

December 1, 1999

expressed his concern that he had not seen anything from the architect for a parking structure that corresponds with his wonderful drawings for the waterfront. He stated his concern is that whatever is done with the property, the people in Yorktown should be happy with it.

Mr. Stuck noted the recommendation for a parking facility on that property came from the architect who feels it would enhance the overall project. He stated staff has seen a couple of commercial proposals for the property, one that has been approved by this Board, and they would be much less compatible with the area.

Mr. J. Mark Carter, Assistant to the County Administrator, indicated the proposed parking area allows for adequate buffered landscaped space. He also noted the commercial activities planned for the waterfront need approximately 100 parking spaces to support their activities.

Discussion followed regarding the previous proposal for use of the property as commercial retail space. Also discussed was the amount of the bona fide offer for the property.

Mr. Mills moved the adoption of proposed Resolution R99-288 that reads:

A RESOLUTION DIRECTING THE ACQUISITION OF REAL PROPERTY BY CONDEMNATION, OR OTHER MEANS, AND APPROVING THE PROPOSED PUBLIC USE THEREFORE.

WHEREAS, the Board desires to purchase a parcel of real estate consisting of approximately 0.88 acres owned G-Square, Inc., and located at 400 Water Street in Yorktown, identified on the County's tax map as parcel 18 A-09-00-00A1; and

WHEREAS, the Board desires to utilize the property as a public parking facility for the benefit of individuals using the facilities at the Yorktown Waterfront or patronizing any of the businesses which may now or in the future be located at or adjacent to the waterfront; and

WHEREAS, the Board deems that the acquisition of the property, and its utilization as stated, constitutes a valid public purpose necessitating the acquisition of the property; and

WHEREAS, the owner of the property has refused an offer made by the County Administrator, which offer is deemed by this Board to represent fair and adequate consideration for the parcel.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 1st day of December, 1999, that this Board does hereby approve the proposed public use of the property as described above.

BE IT FURTHER RESOLVED that this Board directs the County Administrator and the York County Attorney to take such actions as may be required to acquire the property for such public use by condemnation or by other means. The County Administrator and the County Attorney are hereby authorized, without limitation, to institute appropriate condemnation proceedings in the York County Circuit Court for condemnation of the property, and to pay into the Court such amounts as may be determined to be the fair market value of the property together with any other damages or costs which the Court may assess, or to accept and record a deed from the owner in lieu of condemnation.

On roll call the vote was:

Yea: (5) Mills, Zaremba, Meadows, Funk, Noll
Nay: (0)

TOURISM FUND ALLOCATIONS

Mr. Stuck noted the Board had heard from Mr. Wanner on the Relax and Ride Shuttle and from representatives of the Williamsburg Area Chamber of Commerce on its capital request. He noted the other request for tourism funds was from the Fourth of July Committee.

December 1, 1999

Mr. Mills indicated his reluctance to provide funding for a new building for the Chamber of Commerce, stating he does not see how bricks and mortar will help them accomplish the role he sees for them.

Mr. Zaremba stated he felt the arguments were very persuasive in terms of what the Chamber of Commerce and the Bureau does, not just for Williamsburg and James City County but also for York County. He stated a large part of the County's economic well being is tied to tourism. The Board keeps hearing about regionalism and cooperation when there is a subject that cuts across the three jurisdictions. There is a lot to say about a facility when looking at Chambers of Commerce and visitors and convention centers across the country, and Mr. Zaremba reminded the Board that this is the most historic part of the country. The Chamber for the Historic Triangle should have a better facility from which to operate.

Mr. Meadows stated this is a one-time, up-front need, and he feels it will vastly improve the tourism operation.

After further discussion, Mr. Mills suggested that the new Board was getting ready to go into the budget season and that this decision should be made by them during that time.

Mr. Funk expressed his agreement with Mr. Mills regarding an investment in bricks and mortar as well as his agreement with the suggestion for the Board to deal with it during the budget deliberations.

By consensus the Board agreed to defer action on the request of the Williamsburg Area Chamber of Commerce for tourism funding.

Mr. Funk then spoke of the request for funding the Relax and Ride Shuttle Program, stating he still feels it is cost effective, and he will support it.

Mr. Mills also expressed his support for the program, but noted there should be someone watching the program carefully to ensure that the costs per rider do not become excessive.

Mr. Zaremba expressed his support for funding the program also.

By consensus the Board agreed to provide the requested funding, \$37,760, for the Relax and Ride Shuttle Program. After a brief discussion, the Board also agreed to provide the requested tourism funding, \$20,000, for the Fourth of July Committee.

CLOSED SESSION. At 10:03 p.m. Mr. Funk moved that the Board convene in Closed Session pursuant to Section 2.1-344(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions.

On roll call the vote was:

Yea:	(5)	Zaremba, Meadows, Funk, Mills, Noll
Nay:	(0)	

Meeting Reconvened. At 10:20 p.m. the meeting was reconvened in open session by order of the Chair.

Chairman Noll moved the adoption of Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED SES-
SION

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

December 1, 1999

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 1st day of December, 1999, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Meadows, Funk, Mills, Zaremba, Noll
Nay: (0)

APPOINTMENT TO THE PENINSULA DISABILITY SERVICES BOARD

Chairman Noll moved the adoption of proposed Resolution R99-214 that reads:

A RESOLUTION TO APPOINT A REPRESENTATIVE TO THE PENINSULA DISABILITIES SERVICES BOARD

BE IT RESOLVED by the York County Board of Supervisors this 1st day of December, 1999, that Francis J. Rogers, be and is hereby, appointed to the Peninsula Disabilities Services Board to replace Marilyn A. Belyea for the remainder of her term, such term to end on March 31, 2000.

On roll call the vote was:

Yea: (5) Funk, Mills, Zaremba, Meadows, Noll
Nay: (0)

APPOINTMENT TO THE YORK COUNTY PLANNING COMMISSION

Mr. Meadows moved the adoption of proposed Resolution R99-211(R) that reads:

A RESOLUTION APPOINT A MEMBER TO THE YORK COUNTY PLANNING COMMISSION

WHEREAS, John M. King, Planning Commissioner for Election District 3, has resigned from the Commission effective January 1, 2000; and

WHEREAS, the term for the Planning Commission seat for Election District 3 expires June 30, 2000; and

WHEREAS, the Board has been requested to make an appointment to fill Mr. King's unexpired term;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 1st day of December, 1999, that it appoints the following individual to the York County Planning Commission to serve an unexpired term from January 1, 2000 to June 30, 2000.

Paul F. Garman Election District 3

On roll call the vote was:

Yea: (5) Mills, Zaremba, Meadows, Funk, Mills, Noll
Nay: (0)

428

December 1, 1999

Meeting Adjourned. At 10:22 p.m. Chairman Noll declared the meeting adjourned to 7:30 a.m., Friday, December 3, 1999, in the restaurant of the Duke of York Motel, Yorktown, for the purpose of conducting a joint meeting with York County's legislative delegation.

Daniel M. Stuck, Clerk
York County Board of Supervisors

Sheila S. Noll, Chairman
York County Board of Supervisors